

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIE COUNTY ENVIRONMENTAL
COALITION, PENNENVIRONMENT,
INC. and THE GAIA DEFENSE LEAGUE,
Plaintiffs

v.

MILLCREEK TOWNSHIP SEWER
AUTHORITY AND MILLCREEK
TOWNSHIP,
Defendants

CIVIL ACTION NO. 05-59 ERIE
ELECTRONICALLY FILED

JUDGE COHILL

AFFIDAVIT OF DOUGLAS D. RANGE

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF ERIE)

ss:

I, DOUGLAS D. RANGE, first being duly sworn on oath and under penalty of perjury,
hereby states as follows:

1. I am the Director of Environmental Health Services for the Erie County
Department of Health ("ECDH").

2. As Director of Environmental Health Services, I am responsible for all aspects of
the ECDH's Environmental Program, including water quality monitoring, inspections,
enforcement and other activities relating to NPDES permits and un-permitted discharges within
Erie County.

3. Millcreek Township is located in Erie County and falls under the scope of my responsibilities.

4. By agreement with the Pennsylvania Department of Environmental Protection ("Department"), the ECDH acts as the agent of the Department in Erie County on enforcement, surveillance and permitting matters.

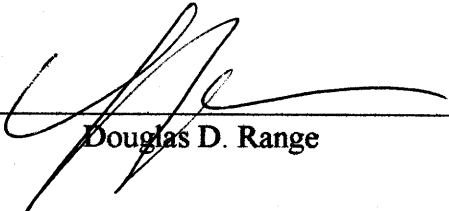
5. On Tuesday December 14, 1999, while employed as an Environmental Protection Specialist with the ECDH, I received from the Millcreek Township Sewer Authority a notice of an overflow at the Kearsarge pump station, which had occurred that day.

6. A true and correct copy of the December 14, 1999 notice is included in the Appendix to the Motion for Summary Judgment at App. 704.

7. On December 14, 1999, I reviewed the notice from the Millcreek Township Sewer Authority and that same day I notified Walt Sarsfield at the Department of the overflow event.

8. In my role as Director of the Environmental Program, I am responsible for overseeing the compliance of the City of Erie with its NPDES permits.

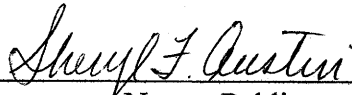
9. A true and correct copy of the City of Erie NPDES permit is included in the Appendix to the Motion for Summary Judgment at App. 7 - 66.



Douglas D. Range

Sworn to and subscribed before me

this 29th day of March, 2006.



Notary Public

Notarial Seal
Sheryl F. Austin, Notary Public
City Of Erie, Erie County
My Commission Expires May 2, 2006
Member, Pennsylvania Association Of Notaries

